

so effectively to put together the packages before us.

Mr. CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] is recognized to close debate.

Mr. BLILEY. Mr. Chairman, it is late. I want to commend our colleagues, particularly the ranking member, for his fine statement that he has just concluded. I also commend the ranking member of the Committee on the Judiciary, though we disagree on the policy. I want to commend the chairman of our subcommittee who has put in numerous hours to make this bill as balanced as we possibly can make it.

Mr. Chairman, I say to the White House who have not been involved with us that we welcome you to join us now as we prepare to go to conference. Bring us your concerns, sit down with us, and we will certainly consider any changes that you would suggest. Whether we will adopt them all, that is another matter. But we will certainly consider them, and I invite them to come forward.

Mr. Chairman, it has been an interesting debate, as the gentleman said, and I look forward to tomorrow when we will consider amendments to further perfect this bill, and then we will pass it and we will go to conference some time later this year. This is the way this process works. It is not a sprint, it is a marathon. We have had subcommittee, we have had full committee. We now are on the floor, and ultimately we will go to conference and we will come back with a conference report. That is the way it should be, Mr. Chairman, and I urge my colleagues to support his legislation and to help us craft it, make it even better as we go on with the process.

Mr. BILIRAKIS. I rise in strong support of the landmark legislation which we are considering today, and I want to commend my colleagues on the committees of jurisdiction for their hard work on this bill. H.R. 1555 is the culmination of years of work to overhaul Federal telecommunications policy and position America as a world leader in the dawning information age.

While this bill contains many important provisions, I want to address one area in particular—the issue of telemedicine. As Chairman of the Commerce Health Subcommittee, I have a special interest in this subject.

Although it is subject to different interpretations, the term “telemedicine” generally refers to live, interactive audiovisual communication between physician and patient or between two physicians. Telemedicine can facilitate consultation between physicians and serve as a method of health care delivery in which physicians examine patients through the use of advanced telecommunications technology.

One of the most important uses of telemedicine is to allow rural communities and other medically under-served areas to obtain access to highly trained medical specialists. It also provides a access to medical care in circumstances when possibilities for travel are limited or unavailable.

Despite widespread support for telemedicine in concept, many critical policy questions remain unresolved. At the same time, the Federal Government is currently spending millions

of dollars on telemedicine demonstration projects with little or no congressional oversight. In particular, the Departments of Commerce and Health and Human Services have provided sizable grants for projects in a number of States.

Therefore, I drafted a provision which is included in the manager's amendment to require the Department of Commerce, in consultation with other appropriate agencies, to report annually to congress on the findings of any studies and Demonstrations on telemedicine which are funded by the Federal Government.

My amendment is designed to provide greater information for federal policymakers in the areas of patient safety, quality of services, and other legal, medical and economic issues related to telemedicine. Through adoption of this provision, I am hopeful that we can shed light on the potential benefits of telemedicine, as well as existing roadblocks to its use.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to H.R. 1555, the Communications Act of 1995. Although I believe that our telecommunications laws are in need of reform, I have serious concerns about certain sections of this bill, and about the manner in which it has been brought to the floor.

This is an important bill, because it will affect every time he or she picks up a phone or turns on the TV. It is incumbent upon us to consider it carefully and thoughtfully. I am concerned that this bill has been brought to the floor in a rush, following a process which was none-too-open.

My primary concern revolves around provisions in the manager's amendment regarding entry of local telephone service providers into the long distance market and vice versa. I never expected that the long distance companies and the local telephone companies would ever completely agree on any bill. But to formulate a manager's amendment that is vehemently opposed by one of the parties forces Members to choose between the two. It is the responsibility of the leadership to do everything possible to reconcile the differences between those affected by this bill, and I do not believe this has been done.

I have other concerns, including the potential of the bill to concentrate media ownership in a few hands and the bill's effects on radio and television broadcasting audience reach limits.

I am also concerned about the effect of the bill on State authority to regulate the costs of certain long distance calls within States. Many States have already taken steps to liberate such rates, and the bill would negatively affect these efforts. I share the concerns of the Governor of Florida and several other governors about this issue.

Mr. Chairman, we need to reform our telecommunications laws so that we can enter the 21st century governed by laws appropriate to the technology and services available to us. But this bill is not the vehicle that will best accomplish those goals. I say let's go back to the drawing board and try again.

Mr. LAZIO of New York. Mr. Chairman, the House shortly will consider H.R. 1555, the Communications Act of 1995. Among other things, this bill and its Senate-passed companion, S. 652, aims to ensure competition in the cable television industry as it expands into interactive voice, data and video services.

I wanted to bring to the attention of my colleagues in both bodies a serious and poten-

tially dangerous situation that merits further study by Congress in the future, as it was not addressed by the legislation we are about to take up.

Currently, telephone systems provide a different sort of lightning or surge protection than is provided by the cable industry. Telephone companies have provided such protection through devices that instantaneously detect dangerous surges and direct them to ground. Cable companies do not have these devices and now only are required to ground their systems. As telephone companies branch out into broadband transmission services, they will continue to be required to protect the public from power surge and lightning hazards.

The National Electric Code does not require the cable industry to provide the same kind of surge protection to current and future cable users, even if cable companies will be providing the same kind of telephone service in the future that telephone companies now provide. I am told that the cable industry has made a commitment to do so if it does offer such telephone service, but it is an issue Congress should review.

I would urge my colleagues, particularly those in the Commerce Committee, to closely examine this potential problem and to hold hearings to make sure public safety will be adequately protected as our telecommunications industry goes through a period of unprecedented change.

Mr. BLILEY. Mr. Chairman, with that, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTART) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555), to promote competition and reduce regulation in order to lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, had come to no resolution thereon.

#### PRINTING OF OMISSIONS FROM RECORD OF JULY 31, 1995

(Consideration of the following 3 bills, H.R. 714, H.R. 701 and H.R. 1874 are reprinted as follows containing omissions from the RECORD of Monday, July 31, 1995, beginning at page H7996.)

#### ILLINOIS LAND CONSERVATION ACT OF 1995

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on National Security and the Committee on Commerce be discharged from further consideration of the bill (H.R. 714), to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Missouri [Mr. EMERSON] for the purpose of explanation.

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, H.R. 714 would establish a tall grass prairie in the former Joliet Arsenal. Also, this legislation would set aside portions of the land for a landfill, portions for economic development, and also a section 4(a) national cemetery.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. WELLER].

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. My Speaker, I would like to speak briefly about the importance of this legislation, H.R. 714, the Illinois Land Conservation Act, which has overwhelming bipartisan support from Members on both the Republican and Democrat side of the aisle. This is an innovative land reuse plan which was developed by a citizens planning commission, appointed under the direction of my predecessor, former Congressman George Sangmeister, resulted from thousands of hours of volunteer time from leaders in conservation, veterans' organizations, business and labor, educators, and many civic organizations.

Briefly, the Joliet Army Ammunition Plant, commonly referred to as the Joliet Arsenal, was declared excess Federal property in April 1993. A local citizens commission developed a plan for reuse of the site, which is encompassed in my legislation.

The plan has received broad-based support from Illinois' major media, citizens organizations, veterans' groups, business, labor, conservation, and educators. The plan includes transferring 19,000 acres to the National Forest Service for creation of the Midewin National Tall Grass Prairie. The plan also includes a veterans' cemetery, which will occupy just under 1,000 acres on the arsenal property.

There are also two sites, for a total of 3,000 acres, to be used for the purpose of economic development and job creation, and finally 455 acres will be used for a local landfill.

Since this bill's introduction, I have worked closely with all the agencies involved and have made changes in the legislation to reflect issues that they have had concerns with. This is bipartisan legislation supported by the Governor of the State of Illinois, Republicans and Democrats in the Illinois delegation, and a large number of veterans, conservation, environment, business and labor, and private organizations.

Clearly, H.R. 714 is a win-win-win for taxpayers, conservation veterans, and

working men and women. I ask for and urge the bill's immediate passage with bipartisan support.

Mr. YATES. Mr. Speaker, I rise in strong support of the bill offered by the gentleman from Illinois.

H.R. 714, the bill that would establish the Midewin National Tallgrass Prairie at the former Joliet Arsenal, is an excellent piece of legislation that can serve as a model for other communities with closed military bases.

I am proud to say that I was there at the beginning, when the concept of turning an abandoned TNT factory into a multi-purpose site for the benefit of the 8 million Chicago-area residents was first conceived. I enjoyed working with our former colleague, George Sangmeister, during the 103d Congress and I have equally enjoyed working with his successor, the distinguished gentleman from Joliet.

Located less than 50 miles from the Ninth District, the Midewin National Tallgrass Prairie will offer my constituents unparalleled preservation and recreational opportunities.

The Joliet Arsenal is a treasure trove of rare and endangered species—so unique in the urban sprawl of northern Illinois. Sixteen State endangered species, 108 different birds, 40 types of fish, and 348 native plant species can all be found on the arsenal property.

In addition, the arsenal site contains the single largest tallgrass ecosystem east of the Mississippi River, and the only grassland of this size in unfragmented, single ownership. It is also important to note that the arsenal is adjacent to other reserves and when all of that open space is combined, it creates the biggest prairie in the eastern United States.

We have so few opportunities in Illinois to preserve original, intact ecosystems. Most of our land has either been consumed by ever-growing cities and suburbs or is being farmed. There are very few natural areas in our State; a forest preserve here, a park there, but not nearly enough to satisfy our most minimal needs.

That is why acquiring the Joliet Arsenal and creating a tallgrass prairie is a once-in-a-lifetime opportunity. We will never have this chance again. If we do not act now to protect this valuable site, it could be lost forever.

This is a bipartisan bill, supported by a large and diverse group, including the Republican Governor of Illinois, the Democratic mayor of Chicago, the Forest Service, and every major environmental organization.

There have been many people who have helped make this project a reality, but I want to give special recognition to Dr. Fran Harty at the Illinois Department of Conservation and Dr. Larry Strich and his colleagues at the Shawnee National Forest for their extraordinary efforts to make the arsenal a tallgrass prairie.

I also want to commend the Forest Service for their leadership in this matter. After other agencies dragged their feet on acquiring the Joliet Arsenal, the Forest Service enthusiastically entered the process. Their can-do spirit toward the arsenal is laudable and I want to express my sincere thanks to them for being so cooperative on a project that is important to me and my constituents. I hope to continue working with the Service in the future to secure adequate funding for the Midewin National Tallgrass Prairie.

The cooperation extended by the Forest Service is just one piece of the unique public-

private partnership that formed to preserve the Joliet Arsenal. This is truly a national model of how closed military bases can be converted to productive civilian use and of how local communities can work with the Federal Government to ensure that these old bases are developed to benefit everyone.

There are hundreds of military installations across the Nation that have been closed by the Base Closure Commission. The Federal Government must decide what to do with these old bases.

We've seen the negative impacts that closing military bases can have on local communities. But if we follow the example of the Joliet Arsenal and let the local community decide how best to use the closed facility and have the Federal Government assist that locale, a closing military base need not destroy a struggling community.

I think it would be wise for the Pentagon to study the Joliet Arsenal model and to implement it at other facilities slated for closure.

This bill is good for the people of Illinois and clearly good for the Nation, and I urge my colleagues to support it.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 714, the Illinois Land Conservation Act. H.R. 714 is nearly identical to H.R. 4946 that was introduced in the 103d Congress by Congressman Sangmeister. H.R. 4946 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 714, introduced by Congressman WELLER, establishes the Midewin Tallgrass Prairie by initially transferring approximately 16,000 acres currently held by the Department of the Army to the Department of Agriculture. Another 3,000 acres will be transferred when the Department of the Army completes an environmental cleanup on the site. Provision is made for the continued responsibility of cleanup of hazardous wastes by the Department of the Army. The bill also provides for the transfer of approximately 910 acres to the Department of Veterans' Affairs and the establishment of a National Cemetery on the site to be administered by the Secretary of Veterans Affairs. Additionally the bill provides for transfer to the county of approximately 425 acres to be operated as a landfill and approximately 3,000 acres to the State of Illinois to be used for economic development. The U.S. Forest Service is supportive of the legislation before us today.

Mr. Speaker, an amendment that will be offered to modify the language regarding special use permits is supported by the U.S. Forest Service. I ask that a letter from U.S. Forest Service Chief Jack Ward Thomas, acknowledging the new language's consistency with current U.S. Forest Service management practices, be included in the RECORD.

DEPARTMENT OF AGRICULTURE,  
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,  
Chairman, Committee on Agriculture  
Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to

strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,  
Chief.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his explanation, and urge passage of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 714

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.  
Sec. 2. Definitions.

#### TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

Sec. 101. Principles of transfer.

Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.

Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental clean-up.

Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.

Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.

Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

#### TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.

Sec. 202. Disposal of certain real property at Arsenal for a county landfill.

Sec. 203. Disposal of certain real property at Arsenal for economic development.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Degree of environmental cleanup.

#### SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given such term by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

#### TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

##### SEC. 101. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance

with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

#### SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) INITIAL TRANSFER OF JURISDICTION.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction

pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be shared equally by the two Secretaries.

#### **SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.**

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA at or related to the property;

(2) all remediation actions required under any other environmental law at or related to the property; and

(3) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

#### **SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MEDEWIN NATIONAL TALLGRASS PRAIRIE.**

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010-1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MEDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), monies appropriated from the Land and

Water Conservation Fund established under section 2 of such Act (16 U.S.C. 4601-5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

#### **SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDWIN NATIONAL TALLGRASS PRAIRIE.**

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for

fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such prairie-improvement work as the Secretary of Agriculture may direct. Any portion of any deposit made to the fund which the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary of Agriculture pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund, which are hereby appropriated and made available until expended, shall be used for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

(g) USE OF GROUND WATER RESOURCES.—The Secretary of Agriculture shall develop a plan to provide Will County, Illinois, and local jurisdictions in the county with reasonable access to, and use of, ground water through the system of water wells in existence on the date of the enactment of this Act and located on portions of Arsenal property to be included in the Midewin National Tallgrass Prairie. The Secretary shall develop the water access and use plan in consultation with the Board of Commissioners of Will County, the redevelopment authority established pursuant to section 203(c), and representatives of the affected jurisdictions.

#### **SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.**

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Doyle Lake: Study Area L12, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 20, Study Area L20, Group 25: Study Area L22, Group 27: Study Area L23, Group 62: Study Area L25, Extraction Pits: Study Area L31, PVC Area: Study Area L33, Former Burning Area: Study Area L34, Fill Area: Study Area L35, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant Joliet, Illinois (May 30, 1993. Contract No. DAAA15-90-D-0015 task order No. 6 prepared for: United States Army Environmental Center).

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

#### **TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT**

##### **SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.**

(a) TRANSFER REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery. Subsections (b) and (c) of section 2337 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 101-180; 101 Stat. 1225) shall apply to the transfer.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 910 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain

physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) **SURVEYS.**—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be shared equally by the two Secretaries.

**SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.**

(a) **TRANSFER REQUIRED.**—The Secretary of the Army shall transfer, without compensation, to the County of Will, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) **DESCRIPTION OF PROPERTY.**—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 425 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept; and

(2) such additional acreage at the Arsenal as is necessary to reasonably accommodate needs for the disposal of refuse and other materials from the restoration and cleanup of only the Arsenal property as provided for in this Act.

(c) **USE OF LANDFILL.**—The use by any agency of the Federal Government (or its agents or assigns) of the landfill established on the real property described in subsection (b)(2) shall be at no cost to the Federal Government.

(d) **REVERSIONARY INTEREST.**—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that the Federal Government (or its agents or assigns) is denied reasonable access to the portion of the landfill described in subsection (b)(2), all right, title and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) **SURVEYS.**—All costs of necessary surveys for the transfer of real property under this section shall be borne by the Secretary of the Army.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.**

(a) **TRANSFER REQUIRED.**—Subject to subsection (c), the Secretary of the Army shall transfer, without compensation, to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) **DESCRIPTION OF PROPERTY.**—The real property to be transferred under subsection

(a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres located at the Arsenal, the approximate legal description of which includes part of section 30, Jackson Township, T34N R10E, and sections or part of sections 24, 25, 26, 35, and 36, Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) **CONDITION OF CONVEYANCE.**—

(1) **REDEVELOPMENT AUTHORITY.**—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) **TIME FOR ESTABLISHMENT.**—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(d) **REVERSIONARY INTEREST.**—During the 5-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being used for economic redevelopment or that the redevelopment authority established under subsection (c) is not overseeing such redevelopment, all right, title and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) **SURVEYS.**—All costs of necessary surveys for the transfer of real property under this section shall be borne by the Secretary of the Army.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**TITLE III—MISCELLANEOUS PROVISIONS**  
**SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.**

(a) **IN GENERAL.**—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) **RESPONSE ACTION.**—The establishment of the Midewin National Tallgrass Prairie shall not restrict or lessen in any way response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) **ENVIRONMENTAL QUALITY OF PROPERTY.**—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The **SPEAKER pro tempore.** The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute.

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Illinois Land Conservation Act of 1995".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

**TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDWIN NATIONAL TALLGRASS PRAIRIE**

Sec. 101. Principles of transfer.

Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.

Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.

Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.

Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.

Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

**TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT**

Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.

Sec. 202. Disposal of certain real property at Arsenal for a county landfill.

Sec. 203. Disposal of certain real property at Arsenal for economic development.

**TITLE III—MISCELLANEOUS PROVISIONS**

Sec. 301. Degree of environmental cleanup.

**SEC. 2. DEFINITIONS.**

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.



(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

## **TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDWIN NATIONAL TALLGRASS PRAIRIE**

### **SEC. 101. PRINCIPLES OF TRANSFER.**

(a) **LAND USE PLAN.**—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) **TRANSFER WITHOUT REIMBURSEMENT.**—The area constituting the Midwin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) **MANAGEMENT OF MNP.**—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midwin National Tallgrass Prairie.

(d) **SECURITY MEASURES.**—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) **COOPERATIVE AGREEMENTS.**—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midwin National Tallgrass Prairie is established.

(f) **INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.**—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midwin National Tallgrass Prairie is established.

### **SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.**

(a) **INITIAL TRANSFER OF JURISDICTION.**—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal

for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) **ADDITIONAL TRANSFERS.**—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) **EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.**—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) **IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.**—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) **PROPERTY USED FOR ENVIRONMENTAL CLEANUP.**—

(1) **RETENTION.**—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) **CONDITIONS.**—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midwin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) **PRIORITY OF RESPONSE ACTIONS.**—In the case of any conflict between management of

the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) **SURVEYS.**—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

### **SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.**

(a) **RESPONSIBILITY.**—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall—

(1) remain liable for environmental contamination attributed to the Army; and

(2) with respect to such contamination, continue to carry out—

(A) all response actions required under CERCLA at or related to the property;

(B) all remediation actions required under any other environmental law at or related to the property; and

(C) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) **LIABILITY.**—

(1) **IN GENERAL.**—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) **LIABILITY OF SECRETARY OF THE ARMY.**—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) **SPECIAL RULES FOR SECRETARY OF AGRICULTURE.**—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

#### SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010-1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 4601-5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

#### SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin Na-

tional Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, to cover the cost to the United States of such prairie-improvement work as the Secretary may direct. Any portion of any deposit made to the fund which the Secretary determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the



Midewin National Tallgrass Prairie Restoration Fund shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

**SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.**

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 27: Study Area L23, Group 62: Study Area L25, PVC Area: Study Area L33, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Proposed Future Land Use Map, dated May 30, 1995.

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

**TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT**

**SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.**

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without reimbursement, to the Sec-

retary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

**SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.**

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Army (or its agents or assigns) may use the landfill established on the real property transferred under subsection (a) for the disposal of construction debris, refuse, and other nonhazardous materials from the restoration and cleanup of the Arsenal property as provided for in this Act. Such use shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that Will County, Illinois, is in violation of the condition specified in subsection (c), all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by Will County, Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.**

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511' x 596' around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal Re-Use Concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONSIDERATION.—The conveyance under subsection (a) shall be made without consideration. However, the conveyance shall be subject to the condition that, if the State of Illinois reconveys all or any part of the conveyed property to a non-Federal entity, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property. The Secretary shall determine the fair market value of any property reconveyed by the State as of the time of the reconveyance, excluding the value of improvements made to the property by the State. The Secretary may treat a lease of the property as a reconveyance if the Secretary determines that the lease was used in an effort to avoid operation of this subsection. Amounts received under this subsection shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

(d) OTHER CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(e) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied, all right, title, and interest in and to the conveyed property, including improvements thereon, shall revert to the United States. The United States

shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) **SURVEYS.**—All costs of necessary surveys for the transfer of real property under this section shall be borne by the State of Illinois.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

### **TITLE III—MISCELLANEOUS PROVISIONS**

#### **SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.**

(a) **IN GENERAL.**—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) **RESPONSE ACTION.**—The establishment of the Midewin National Tallgrass Prairie under title I and the additional real property disposals required under title II shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) **ENVIRONMENTAL QUALITY OF PROPERTY.**—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENTS OFFERED BY MR. EMERSON TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. EMERSON. Mr. Speaker, I offer amendments to the Committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendments offered by Mr. EMERSON to the Committee amendment in the nature of a substitute. In section 105(b)(2) of the bill, strike the sentence beginning with "Such special use" and the sentence beginning with "Fair market value".

In section 201 of the bill, strike subsection (e).

Mr. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Missouri [Mr. EMERSON] to explain the amendments.

Mr. EMERSON. Mr. Speaker, these are technical changes in the bill. The one offered by the Committee on Veterans' Affairs merely allows the Sec-

retary of Veterans Affairs the authority to name the cemetery. The second amendment gives the Forest Service authority to manage land used for grazing in the same manner that other Forest Service lands are managed. These amendments have been cleared with the minority, and it is my understanding that there is no objection.

Mr. Speaker, I include for the RECORD a letter from Jack Ward Thomas, Chief of the Forest Service, to the gentleman from Kansas, PAT ROBERTS, chairman of the Committee on Agriculture.

The material referred to follows:

DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,  
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Land Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,  
Chief.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Missouri [Mr. EMERSON] to the committee amendment in the nature of a substitute.

The amendments to the committee amendment in the nature of a substitute were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### **GENERAL LEAVE**

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 714, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### **AUTHORIZING THE SECRETARY OF AGRICULTURE TO CONVEY LANDS TO THE CITY OF ROLLA, MO**

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill (H.R. 701) to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation.

Mr. Speaker, I rise today in strong support of this measure, H.R. 701, which is vital to the rural economic development efforts of southern Missouri. This legislation will authorize the U.S. Department of Agriculture to convey land within the Mark Twain National Forest to the city and citizens of Rolla, MO. This same bill was approved by the full House in the 103d Congress; however, procedural obstacles in the U.S. Senate on the last day of the 2d session, unrelated to the merits of this legislation, blocked further consideration and eventual passage.

The city of Rolla has been diligent in its plan to utilize the U.S. Forest Service's district ranger office site in the development and construction of a regional tourist center. I feel its important to note that tourism is the second largest industry in Missouri and this tourist center has already attracted great interest along with injecting needed dollars into the regional Rolla economy.

Clearly, this project is a prime example of a local community exercising its own rural development plan for local expansion and job creation. In these times of reduced Federal support for rural community-based economic enterprises, the city of Rolla is a shining example and model of both involvement and initiative that other communities around the country can clearly emulate.

For over a year now, the city of Rolla has been collecting a 3-percent tax on local hotels in the attempt to finance